THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15799 OF 2007

ORAL ORDER:

This writ petition is field seeking a declaration that the order dated 17.7.2007 passed by the respondent-Tahsildar, Giddalur, Prakasam District, in exercise of the power conferred under Section 4 of the A.P. Assigned Land (Prohibition of Transfer) Act, 1977 (for short "the Act"), directing resumption of the land in possession of the petitioners as arbitrary and illegal.

Though it is not in dispute that the petitioners were served with a show cause notice and the impugned order was passed after considering their explanation, it is primarily contended by the petitioners that the impugned order, which was passed without application of mind to any of the submissions made by the petitioners in their explanation dated 10.6.2007 is arbitrary and illegal.

On the face of it, the impugned order is cryptic and contains no reasons in support of the conclusion that the petitioners have acquired assigned land in contravention of the provisions under sub-section (2) of Section 3 of the Act. The law is well settled that failure of the authority to assign reasons would result in violation of principles of natural justice, which is one of the grounds for judicial review. In the circumstances, the impugned order cannot be sustained and the matter requires reconsideration.

Accordingly the impugned order is set aside and the writ petition is disposed of with a direction to the respondent to pass appropriate orders afresh after conducting due enquiry as provided under the Rules made under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. No costs.

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(G. ROHINI, J.)

26th July, 2006.
Note: Operative portion by wire at party's cost.
(Bo)
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15799 OF 2002

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26th July, 2007.

Between:

B. Ramakrishna Reddy and another. .. Petitioners.

And

The Tahsildar, Giddalur,
Prakasam District. .. Respondent.

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